

FEDERAL ELECTION
COMMISSION

October 16, 2014

RECEIVED

2014 OCT 20 PM 2:56

Office of General Counsel

Federal Election Commission

999 E Street, N.W.

Washington, D.C. 20463

OFFICE OF GENERAL
COUNSEL

MUR #

6883

2014 OCT 20 PM 1:19

FEC MAIL CENTER

Re: Violations of the Federal Election Campaign Act by Clint Didier for Congress

To Whom It May Concern:

I write to inform the Federal Election Commission ("FEC" or "Commission") of a violation of the Federal Election Campaign Act (the "Act") and FEC regulations by Clint Didier and his principal campaign committee, Clint Didier for Congress (collectively, "Respondents").

On October 16, 2014, Clint Didier for Congress began airing a broadcast television advertisement, which can be viewed at <https://www.youtube.com/watch?v=Yngw31tKpgM>. At the conclusion of this advertisement, a written disclaimer appears that states "Paid for by Clint Didier for Congress." However, the advertisement contains no written statement identifying the candidate or providing the candidate authorization statement, and it also lacks the spoken "stand by your ad" statement that is required by law.

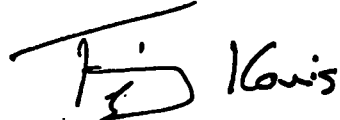
The Bipartisan Campaign Reform Act of 2002 amended the disclaimer requirements for television and radio advertising by candidates to require that they include a spoken statement by the candidate noting that he or she has approved the advertisement. *See* 2 U.S.C. 441d(d)(1)(B). Commission regulations require that candidate advertisements identify the candidate and state that he or she approved the message. This audio statement must, in the case of television advertisements, be accompanied by an "unobscured" picture of the candidate or else a picture of the candidate that is at least 80% of the screen height. The audio statement must also be accompanied by a "similar" written statement in clearly readable writing at the end of the communication.

It is clear that the advertisement fails to conform to these basic legal requirements. It does not have a written statement identifying Mr. Didier and informing the public that he has approved the advertisement, and it does not contain a spoken statement saying that he has approved the message. The written disclaimer at the end of the ad, stating only that Clint Didier for Congress paid for the ad, is insufficient to satisfy the Respondents' legal obligations.

The fact that this advertisement does not mention Mr. Didier's opponent or that it is a positive ad narrated by Mr. Didier does not mean that a violation has not occurred. Congress could have required "stand by your ad" disclosures only for those ads attacking one's opponents; however, they did not choose to do this. Rather, Congress chose to require all ads, regardless of the narrator, message, or size of the buy to include these disclaimers. Although technical, these requirements are basic and are not difficult to comply with. That Mr. Didier is apparently either ignorant of or in disregard of Commission regulations does not relieve him of his duty to comply with these basic requirements.

Thank you for your attention to this matter. Please do not hesitate to contact me if I can be of additional assistance as you pursue this investigation.

Respectfully submitted,

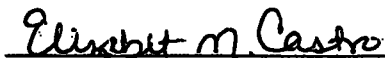


Timothy Kavis, Complainant

I hereby swear and affirm that the facts presented in this complaint are true to the best of my knowledge, information and belief. Sworn pursuant to 18 U.S.C. §1001.


Timothy Kavis

Subscribed and sworn to before me this 16th day of October, 2014.


Notary Public

My Commission expires: August 1, 2018

